IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

Crl.MC.No. 154 of 2007()

PETITIONER: ACCUSED

P.K.GOPALAN, DEPUTY COLLECTOR
(ELECTION), KOLLAM COLLECTORATE, KOLLAM.

BY ADV. SRI.P.KURUVILLA JACOB

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED
BY CHIEF SECERTARY, GOVERNMENT OF KERALA,
GOVT. SECRETARIAT, TRIVANDRUM.

2. THE SECRETARY, REVENUE (R) DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE & ANTICORRUPTION BUREAU,
IDUKKI UNIT, THODUPUZHA.

4. THE SECRETARY TO GOVT.,
VIGILANCE (E) SECTION, SECRETARIAT,
TRIVANDRUM.

5. STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No.154 Of 2007

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Dated this the 2nd day of August, 2007

ORDER

The petitioner has come to this Court with a prayer that the FIR No. V.C.26/03 registered in 2003 in which he is arrayed as the 6th accused, may be quashed now invoking powers under Sec.482 Cr.P.C. Inasmuch as there is no semblance of materials against him, the registration of crime and consequent proceedings are all not necessary and are unjustified, it is urged.

2. The interim order dated 1.2.07 was passed by this Court even at that stage, it was submitted that no materials have been collected to implicate the petitioner. Time was granted to the Investigating Officer to complete the investigation and file the final report. Investigation is not yet completed. The Investigator is asking for further time to complete the investigation.

3. The learned Public Prosecutor was requested to specifically explain whether the State has any objection in the FIR No.VC 26/03 being quashed inasmuch as it relates to 6th accused that is the petitioner herein. The learned Public Prosecutor after taking instructions submits that in the total absence of any incriminating

material against the petitioner, the 6th accused, the State has no objection in the FIR being set aside, in so far as it relates to the petitioner.

4. The said request is accepted. This Crl.M.C. is allowed in part. The FIR No. 26/03, in so far as it relates to the petitioner herein, is hereby quashed. I make it clear that the same shall remain valid so far as the other accused are concerned.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE